

## **REMARKS**

Claims 15-39 are pending in the application, with Claims 15, 21, and 26 being independent. Applicant amends independent Claims 15, 21, and 26 to clarify claimed subject matter. The original specification and drawings support these claim amendments at least at paragraphs [0004], [0013], and in Figure 1. Therefore, these revisions introduce no new matter.

**Claims 15-39** are for consideration upon entry of the present Amendment. Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

### **CLAIM REJECTIONS § 101 REJECTIONS**

**Claims 15-25** stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant amends independent Claims 15 and 21 to recite in part, “A computer-readable medium having computer executable instructions stored on a computing device including a data structure”. **Dependent Claims 16-20 and 21-25** depend from one of independent Claims 15 and 21, respectively, and are allowable by virtue of this dependency.

Applicant respectfully submits that these claims now comply with §101, and as a result the rejections are now moot. Applicant respectfully requests that the §101 rejections be withdrawn.

### **CLAIM REJECTIONS 35 U.S.C. §102**

Claims 15-39 are rejected under 35 U.S.C. §102(b) as being anticipated by a nonpatent literature to Altova Inc. & Altova GmbH, entitled “XML Spy Suite 4.4, User and Reference

Manual Version 4.1”, copyright 1998-2001, dated ay 24, 2002 (hereinafter “XML Spy”). Applicant respectfully traverses the rejection. Anticipation under §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (MPEP §2131).

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 15**, to clarify further features of the subject matter. Claim 15 now recites a computer-readable medium

having computer executable instructions stored on a computing device including a data structure, comprising:

a first data field encoded according to a first format, wherein **the first format is XML**; and

a second data field referring to data encoded according to a second format, wherein **the second format is JPEG**;

wherein the first data field and the second data field are homogenized according to a reference encoding format for **presentation into a single electronic format**;

wherein the homogenized comprises combining within a single package without having to perform character set-to-character set encodings;

**wherein the reference encoding format can be generalized to other formats**;

**wherein the reference encoding format can be split into parts.**

Applicant respectfully submits that no such computer executable instructions for an electronic file are disclosed by XML Spy.

**Reference Fails to Disclose first format is XML and second format is JPEG**

XML Spy is directed towards easy-to-use product family that facilitates all aspects of XML Application Development (pg. 2). The XML standards are shown that are closely associated with XML (pg. 8). Applicant could not find any mention or discussion of JPEG in XML Spy.

The evidence presented by the Office no longer discloses “wherein the first format is XML; and a second data field referring to data encoded according to a second format, wherein the second format is JPEG; ...reference encoding format for presentation into a single electronic format...wherein the reference encoding format can be generalized to other formats; wherein the reference encoding format can be split into parts”, as recited in Applicant’s amended Claim 15.

Thus, Applicant respectfully submits that as each and every feature is not disclosed by XML Spy, the claims are not anticipated by XML Spy. Applicant respectfully requests that the §102 rejection be withdrawn.

**Independent Claims 21 and 26** as amended, are directed to a computer readable medium and to a method, respectively, each is allowable for reasons similar to those discussed above with respect to Claim 15. Furthermore, XML Spy fails to disclose “first format is XML; ...second format is JPEG; ... for presentation into a single electronic format; ... wherein the reference encoding format can be generalized to other formats; wherein the reference encoding format can be split into parts”, as recited in Applicant’s amended **Claim 21**.

XML Spy fails to disclose “a first data encoding according to XML format and a second data encoding according to JPEG format;... wherein the reference encoding format can be generalized to other formats; wherein the reference encoding format can be split into parts”, as recited in Applicant’s amended Claim 26.

**Dependent Claims 16-20, 22-25, and 27-39** depend directly or indirectly from one of independent **Claims 15, 21, and 26**, respectively, and thus are allowable as depending from

an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claims 15, 21, and 26, are not disclosed by XML Spy.

Thus, Applicant respectfully submits that as each and every feature is not disclosed by XML Spy, there is no anticipation. Applicant respectfully requests that the §102 rejection be withdrawn.

**Conclusion**

**Claims 15-39** are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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